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ABSTRACT

This paper presents four case studies that are part of a larger study on admissions arrangements and impacts on school admissions for all local education authorities (LEAs) in England and Wales. It examines factors influencing the social composition of schools. A total of 23 LEAs completed interviews about their secondary school admissions arrangements. The four case study LEAs have significantly different market scenarios. Results show that recent national education policy has not been evenly implemented across LEAs. A combination of organizational, structural, and demographic factors have muted much of the potential impact of school reforms on school admissions. Normative patterns of school use have not been substantially affected by the market reforms or the administrative actions of LEAs. LEAs remain important arenas within which school choice operates because they define kinds of choice available to parents in their administrative boundaries. The Schools and Standards Framework Act has restored some power to LEAs to coordinate admissions across all admissions authorities within each LEA boundary. The case studies give an indication of the range of choice available to parents and show how this varies among LEAs. (Contains 19 references and 8 figures.) (SM)

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Local Education Authorities and the regulation of educational markets: four case studies

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2001

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Local Education Authorities And The Regulation Of Educational Markets: Four Case Studies

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Introduction

Findings from our research on the impact of market driven reforms on the socio-economic composition of schools have contained some surprises. They run against the grain of earlier research by suggesting that segregation between schools which were already socially segregated prior to 1988, has *not* increased in the period since 1988 when market principles were introduced to this sector (Gorard and Fitz, 1998a, 1998b, 2000a , 2000b). Indeed, the evidence from our research suggests that there has been a modest decrease in the segregation between schools as measured by segregation indexes of: the proportions of students on free school meals; students with special educational needs; and proportions of students whose first language is not English. This pattern iterates at the national, regional and local education authority (LEA) levels. There is, however, variation in the levels of segregation[1] across LEAs (examples are given in the figures presented at the end of this Working Paper). We reported earlier that these results were as puzzling to us as they were to others. While we have some tentative explanations as to how pre-1988 segregation remains largely in place, in this paper we report on research undertaken in LEAs in an attempt to identify additional factors which may influence the social composition of schools.

Our focus on LEAs arises first, from the historic function that they have had in the interpretation, implementation and management of admissions policies as they relate to schools. Second, LEAs have a statutory duty to provide places for children of

compulsory school age and they have a responsibility to inform families in their boundaries of the schools that are available. In that sense they provide a primary framework of school choice for parents. Third, our LEA research aimed to explore further the differences in levels of segregation we identified in our secondary data analysis. In previous research we set out the national policy frameworks on admissions policies and illustrated how LEAs had interpreted and implemented them (White, Fitz and Gorard, 1999; White, Gorard, Fitz and Taylor, 2001). In addition, we categorised LEAs in terms of the principles that governed their admissions arrangements. In this paper we take that analysis one stage further via interview data from a sub-sample of 23 LEAs. The remainder of the paper is arranged as follows. The first section reviews the policy framework on schools admissions and discusses the role of the LEAs in relation to the national context. In the second section we briefly review our previous research on the criteria employed by LEAs in the allocation of students to schools with special reference to the School Standards and Framework Act 1998. The last section, where we discuss in detail interactions and local educational markets, will feature four case studies of LEAs. The paper will conclude with an analysis of the extent to which LEA policies explain the moderate impact market policies have had on the social stratification of schools.

The four case study LEAs discussed in detail here are part of a larger study examining the admissions arrangements and impacts on school intakes for all 161 LEAs in England and Wales. In total 23 LEAs were interviewed about their admissions arrangements, each one representing different kinds of LEAs (English - Welsh; metropolitan - county; urban - rural) with contrasting admissions policies and different levels of segregation between schools. Interviews typically involved the LEA officer with responsibility for admissions, and covered topics such as their admissions procedures, school organisation, the nature of competition between schools, and their interpretation of legislation, all from over the last decade. The four LEAs presented here, Cardiff, Brent, Carmarthenshire and Hertfordshire, offer significantly different market scenarios, that begin to help us interpret and explain potential changes to school intakes since the introduction of the 1988 Education Reform Act. Figures presented at the end of this paper show the levels of segregation between school in each of the case-study LEAs, and form an integral part of each case

study. In this Working Paper, and in our study generally, we have focused on secondary school admissions.

School admissions policies and the LEAs

Since the 1944 Education Act parents have been able to express a preference for the school(s) they wish their child(ren) to attend. That legislative right has been balanced by the LEAs' statutory responsibility to provide places for all children of compulsory school age, and to manage their resources efficiently. Parents, historically, have been able to choose between state and private education, between LEA and church schools, between single sex and co-educational schools, and, in some areas, between selective and non-selective schools, though not all parents have had the same degree of choice. Nevertheless, some form of allocation of children to school places has operated in LEAs in order for them to fulfil their statutory obligations. The allocation procedures have always varied across LEAs and they have shifted modes over time. For example, from 1944 until the late 1960s tests at 11 plus distributed secondary school children between schools on the basis of ability. With the development of all-ability comprehensive schools, which about 92% of all state secondary students in England and approximately 99% in Scotland and Wales presently attend (Benn and Chitty, 1996), allocation has featured geographical proximity through school transport policies that generally encourage families to use the nearest schools. While these allocative procedures are very different in their educational values and in their consequences for families and for students they can both be interpreted as ways of balancing choice and the LEAs planning responsibilities. The balance between these modes has been shaped to a considerable degree by the political affiliation of the elected members making up city, borough and county councils, with Conservatives most closely associated with the retention of selective education.

The 1988 Education Reform Act introduced the principle of more open enrolment which required schools to admit students up to their Standard Number, which in effect meant up to their physical capacity. LEAs were also required to inform parents that that they could express a preference for a school and confirmed their right to appeal against LEA allocation decisions, a right first established in the 1980 Education Act.

In addition, the legislation enabled schools to opt out of LEA control and become grant-maintained (GM) schools. These initiatives were designed to increase parental choice between diverse kinds of schools. Moreover, this legislation linked admissions to resources via an age weighted *per capita* funding formula that determined school budgets. GM schools controlled their own admissions and could, and did, ignore existing LEA admissions principles and procedures in pursuit of recruits (Fitz, Halpin and Power, 1993).

In some of our study areas, such as Brent, Gloucestershire, Essex and Hillingdon where the majority, if not all, the secondary schools 'opted out', LEAs were in effect left "minding the store" through the task of monitoring, as they were still required to do, whether new intakes of children had acquired secondary school places. As one official told us, because of the large number of GM and voluntary schools in the area, his LEA was composed of 192 admissions authorities. Not only did multiple admissions authorities diminish LEA capacity to match students to places, the 1989 Greenwich judgement enabled parents to express a preference for schools outside their own LEA and thereby made admissions policy more complex to administer. Key beneficiaries of the judgement were the GM and voluntary aided schools, who were given an unrestricted capacity to expand their catchments.

While most LEAs persisted with catchment areas as a primary means of allocation, there were visible hot spots, notably in Bexley, Bromley, Barnet, and Hammersmith and Fulham (among others) where local children were not obtaining entry into local schools as places were now going to out-of-borough families. These cases occurred most frequently in the London area where the LEA size and population density meant that boundary-crossing was relatively straightforward and cost effective. They also occurred in areas which still have selective schools and in areas where GM schools operated rigorous selection procedures, or both. Our evidence suggests that the Funding Agency for School (FAS) did not concern itself with admissions but only with the planning and provision of places.

This admissions loophole was addressed in the School Standards and Framework Act 1999 (Sections 84 and 85) where an incoming Labour government determined that the problem was of such a scale that it was prepared to devote a part of its flagship

legislation in order to curtail GM schools autonomy in the recruitment of students. We have discussed the Act in detail elsewhere (White et al 1999) but primarily it placed a duty on the Secretary of State to issue a Code of Practice on School Admissions. The subsequent Codes published in England and Wales contained measures to design to ease the admissions confusion. We deal with these briefly here as these have been discussed more fully in previous research reports (White et al 1999, White et al 2001).

The guidance contained in the Code sets out the duties and responsibilities of LEAs, the governing bodies of grant-maintained schools and appeals panels. It made similar prescriptions for admissions authorities (whether individual schools or LEAs) who must now publish their admissions arrangements for the benefit of parents. In addition to the Code, the legislation introduced three new elements into the schools admissions framework. *Appeals Panels* replaced appeals committees, LEAs were required to establish *Admissions Forums* to oversee and advise on local admission arrangements and the legislation also introduced ministerially-appointed *Adjudicators* with powers to consider and resolve admissions disputes between parents and admission authorities. In more detail:

Appeal panels, which replace appeal committees, are bodies established to arbitrate between admissions authorities and parents when a child has been denied a place at the school preferred by its parents. They are composed of three to five members, and they must include at least one member with experience in educational administration and one 'lay' member. They are supervised by the Council on Tribunals.

Admissions forums are designed to play a key part in the process of consultation and resolution. They are intended to "be the vehicle for consultation and discussion of issues arising proposed admission arrangements" (paragraph 4.5) and should contain representatives from LEAs, school governors, headteachers, parents and other special interest groups in the area. They form an arena for discussion of issues related to the formulation of admissions arrangements and are also responsible for dealing with proposals aimed at the introduction partial academic selection, and objections to existing systems based on selective education.

Adjudicators are responsible for the determination of disputes between admissions authorities in cases where arrangements cannot be agreed in Admissions Forums. In effect, any admissions authority can object to the admissions arrangements of any other admissions authority or to any proposed variation in admissions policy. Thus, it enables LEAs to challenge either existing admission policies of 'foundation' or voluntary schools, or proposed changes to these.

In general, the legislation confirms the duty of the LEA and other admissions authorities (foundation schools and church bodies) to publish details about the characteristics of their school(s) and their admissions procedures. It also requires all admissions authorities within an LEA, and, in cases where students cross borough boundaries, adjacent admission authorities, to consult with each other about their admissions procedures.

In earlier papers we reported that the legislation is ambiguous in a number of key areas (White et al 1999, White et al 2001). First, we noted that there still remains in place the 1944 delicate balance between the sovereignty of admissions authorities and the right for parents to express a preference, laid down in the 1944 Act (White et al 1999). It remains the case that admission authorities can exercise a good deal of control over their admissions criteria, always provided these are published and available to parents and that they do not overtly infringe equal opportunities legislation. Second, measures to end the remaining fully selective systems of education are very muted. While parents may ballot for end to grammar schools, the Code at the same time promotes admissions criteria which include partial selection, based on specific aptitudes or abilities. This is in line with Labour's agenda of modernising the comprehensive ideal but may well also go against the grain of other desirable outcomes such as balanced intakes. And on this last point, there is no overall steer in that direction in the legislation or Code. As we will suggest, admissions authorities are permitted to work directly against that principle in their admissions arrangements and in the 'over-subscription' criteria.

In terms of admissions policies, LEAs remain the meso-level institutions of the kind created in 1944. They have a key role in the interpretation and 'recontextualisation' (Bernstein, 1996) of national policy frameworks at the local level. For this reason

there is considerable variation in how local educational arenas of choice are constructed and there is significant variation in the way in which 'choice' is framed. To carry this argument forward in more detail and to explore how this articulates to our overall task we will now discuss four case study LEAs in detail.

Cardiff: local schools for local children

What is striking about Cardiff is that its secondary school are highly socially stratified and have been over the last decade or so, the period of our study. Now, and in the past, over one third of secondary school students would have to move before each school had an equal share of socially disadvantaged children as measured by proportions of free school meals (FSM) (see figure 1 and figure 2 at the end of this Working Paper). The figures for special educational need and first language students follow a similar pattern. This is just above the English and Welsh national average and relatively very high for Wales. The number of children eligible for FSM has risen from 16% in 1991 to 21% in 1997, a trend in line with the national picture (Gorard and Fitz, 2000b). There is very little change in the local segregation index.

Social segregation is, presumably, further reflected in the steep differences in examination performance as measured by the percentages of children obtaining GCSE A*-C. For example, in 1999, in Glan Ely High School (then in special measures) 9% of students achieved 5 GCSE A*-C, while Cardiff High School recorded 76%. These results accurately reflected the proportion of children on FSM in each school. Of Cardiff's 20 secondary maintained schools, 5 are voluntary faith based (2 Church in Wales, 3 Roman Catholic), and the others are community schools. Two of these are Welsh medium schools, where the language of instruction is Welsh. There are only four admissions authorities in Cardiff, a very low number compared with some other authorities in our sample. There are no foundation, specialist or technology schools or City Technology Colleges (CTCs) in the LEA but a significant proportion of fee-paying schools in Wales are located within it.

The relatively stable pattern of school stratification reflects an initial pattern produced by residential and socio-economic segregation that has been maintained and

reproduced by Cardiff's admissions policies. Two key elements can be identified. The first is the feeder primary school arrangement that operates across the city. The second is the administration of the admissions policy, including the information supplied to parents, which effectively frames the kind of choices available to them. We will discuss each in turn.

Link primary schools

Cardiff's admissions policies have featured feeder or 'link' primary schools attached to designated high schools. The default position is that the LEA wrote to parents at each of the primary schools to indicate the secondary school to which their child(ren) had been allocated. Parents were able to indicate their preferences for other schools and could ask to be considered elsewhere. They were, in effect, treated as applicants from other catchment areas and over-subscription rules were applied where this was necessary. Clearly, these arrangements have interacted with the housing market and this relationship is reflected in the house prices in the areas around the primary schools that feed Cardiff High School, whose results are relatively high, for example. This "selection by mortgage" has presumably continued, or exacerbated the pre-1988 situation, of using residence to secure primary school places and so gain entry into popular and oversubscribed secondary schools (see Taylor and Gorard 2001 for greater discussion). This system is to be replaced progressively by a more conventional catchment area system based on geographical proximity rather than primary school attendance. The reasons for this are complex.

The LEA is faced with four broad problems. The first is over-subscription in a quarter of schools in the primary and secondary sectors, with the primary sector being most affected. A larger number of schools are under-subscribed. The second is that it has 'a surplus ... in the region of 800 spare places in primary and 2,500 in secondary' (Cardiff LEA interview). Third, there is a northward and eastward drift of students. This the growth area of the city. Students leaving the schools that served the peripheral estates to the west also take school places in the north-east. Fourth, is the problem of meeting central government policy on the reduction of infant class sizes (DfEE, 1997). Some of these problems can be overcome by the LEA asking the National Assembly for Wales to reduce the Standard Admission Numbers (SAN) in primary schools. While this is seen as reducing the number of surplus places and will

contribute to the reduction of infant class sizes it also reinforces 'the overall policy of the County Council [which is] local schools for local children'. However, in reducing the size of primary schools the catchment area is also reduced and residential segregation is likely to be increased.

In its *School Organisation Plan 2000-2005* (Cardiff County Council, 2000a) the LEA admits that this will not have the desired effect of redistributing secondary school places across its schools. It proposes that:

> Eligibility for admission to a secondary school would therefore depend upon residence within a catchment area boundary *and the primary school attended would not be amongst the eligibility criteria* (our emphasis). This would ensure that the policy of local school for local children is carried through into the secondary sector (CCC 2000a, p19).

The document goes on to note that:

> ...it may be necessary to revise primary and secondary catchment area boundaries to ensure that local populations are appropriate to the SAN of secondary schools. (Ibid)

These changes are set within a manipulation of the SANs which would reduce student numbers in some schools and increase in others, although it is not clear from the SOP plan in which directions theses changes would work. Such adjustments are seen primarily as the basis for the efficient use of resources and the possible transfer of support to those schools who most need it. It is not clear to us how the proposals specifically address the socio-economic and academically stratified character of the system. As one measure of how tight the 'link schools' catchment policy works in relation to community schools admissions patterns, however, was revealed in our interview where one respondent reported:

> I would say that there is virtually nil free transport in the community schools. Radyr being the exceptions because it covers a rural area. Otherwise all our [free] transport is all Church and Welsh medium (Cardiff LEA interview).

And there lies the rub. Families are entitled to free travel if they live more than two miles from a primary or three miles from a secondary school. By the indicators we have employed in our research the Church and Welsh Medium schools with free transport provision also contain pupil populations with lower proportions of disadvantaged students. Paradoxically, the transport policy benefits most the socially advantaged schools and the families with resources to use schools outside their LEA-designated catchment area; definitely not a 'local school for local children' policy here. So while Cardiff's 'local schools for local pupils' maintains and reproduces the connection between residential and school segregation, past advantages enjoyed by the voluntary schools have been secured by more open enrolment policies and now via the SSF Act recognition of their status as stand-alone admissions authorities.

We asked our interviewees directly how they saw LEA admissions policies in light of the stratified nature of the system. They were clearly aware of the difficulty but had limited means to address the problem:

> The broad answer under the last government of course the capacity of the LEA to try and tackle that problem has whittled away and away and away until basically the last government seemed to have a policy of let the market rule and in which case the ability of the LEA to actually do anything about situations was extremely limited. This government announced that it seemed to me that it did want to have a slightly different approach but really still the measures we have to tackle this situation are rather limited but we do see that the need to have a role in this for economic [reasons] if for no other reason actually....

> I mean in my personal view at the end of the day if there isn't a clear government national policy that councils can if you like make social policies to equalise the effects of socio-economic conditions I think in one sense you are always going to be struggling against bigger trends you know bigger authorities so that is the key really and I don't know if your project can lend weight to the notion at the end of the day that if actually the government is really serious about maximizing the potential of all children then it has to

> tackle this issue. I mean there isn't any doubt about it in my mind that what happens in schools is this notion you need a *critical mass of pupils* (our emphasis) who are you know well disposed towards education and if you do get into a situation where a school is struggling against high numbers of pupils with special educational needs particularly in an emotional area, difficulties you know the school is having to contend with a whole range of social factors as well as teaching very effectively and that range of problems reaches a certain proportion it then becomes distracted from its main function and really there can be no comparison at the end of the day between a school that simply doesn't have to deal with those problems or of a different order of a different magnitude and one which is constantly with them day in day out. It just seems to me that there are two different kettles of fish....
>
> The last government line was basically and I suppose in a sense the last government line is we sort of recognise that and the answer we have well what we are going to do is we are going to let this business of critical mass sort itself out by the market and it will sort itself out by the market because those schools that don't attract enough pupils will simply be on a white line which means that the kids from those schools will have to mixed in with other schools and I don't know whether that was practical but at least you can see it was at least a possible solution but I don't actually see what and quite where this current line is leading in terms of real policy attack on the issue but it has been around for years hasn't it. (Cardiff LEA interview)

While the officers see the creation of 'critical masses' of school-focused students in schools across the city as a key to raising standards in the school most under pressure and surveillance. (Glan Ely School has had 11 inspection visits in 6 years), there is little, in their view, they can do to bring that about. Or perhaps they are responding to the lack of political will to forge something more radical in admissions policies designed say to foster different kinds of school mix. Moving from link schools to catchment areas addresses issues of efficiency, not equality or equity.

Framing choice

LEAs have a statutory obligation to supply parents with information about schools available to them, their characteristics, availability, application procedures and criteria for deciding entrance to over-subscribed schools. Cardiff's version is a brochure titled *Admission to Schools* (CCC. 2000b) with a subtitle, 'Information for Parents 2000/2001' and subtitled 'Where schools are part of the family'.

Following the feeder school principle, parents are notified to which school their child has been allocated. The link schools and their designated high schools are clearly set out in the admissions brochure. Also recorded in the brochure is a table from which popular schools, and schools where preferences exceed places, can be identified. Parents wishing to select an alternative must complete a form identifying alternative schools from that allocated by the LEA. The pro forma clearly conveys the accepted grounds for seeking an alternative. Parents are required to set out a) compelling medical grounds, b) compelling social grounds or c) attendance of siblings. There is also nearly a page available to give additional information in support of the request. No curricular or pedagogic preferences can be expressed for example. The only 'get out of jail card' for most parents in these circumstances is to go to appeal if the request for an alternative schools fails and the grounds can then be widened. For families with limited English/literary skills, however, the procedures might well be a considerable deterrent.

The 'local schools for local children' principle is stated and it is also embedded in the criteria employed in deciding admissions to oversubscribed schools. In Cardiff highest priority in applications for school places in secondary school are to 'pupils who are within the defined catchment area of the school' (CCC 2000b, p1) and within that those who are closest as measured by the shortest practicable walking route. The other criteria then applied are: students moving into the catchment area of their preferred school; compelling social or medical grounds; and older siblings at the preferred school.

Requests to attend an alternative school go to the School Decisions Committee, composed of three or four elected members advised by LEA officers. Their task has been eased however by the Rotherham judgement. This requires parents to state a

preference for a particular school otherwise lose any priority that the LEA perhaps automatically gave them in allocating pupils to their designated local school. Similarly, LEAs have pointed out to parents that by not stating a preference for their local school they are still not guaranteed a place there. That has forced parents to consider more carefully application to oversubscribed school. For if they do not express a preference for their local school and fail to gain admission to an oversubscribed school they face the possibility of not gaining entry to their second school of choice, their local school. According to our interviewees:

> in doing that last year the actual number of alternative requests plummeted. We get a high percentage of say Whitchurch, or Radyr people saying I can go to Cardiff, now they thought well hang that school we won't be able to go up there so the actual number of requests went down. So much so that with ... statutory appeals last year we put them later on in the year then we had previously and the Rotherham one we didn't actually hold any secondary appeals for transfer last year. The first year ever, the year before, we had had eighteen but last year we didn't actually hold any appeals we were able to accommodate because of movement again because numbers go down every year but previous to that the Rotherham ruling and people accepted and not going for it then and as you can actually see we actually avoided having any secondary appeals last year, it was quite amazing (Cardiff LEA interview).

While this outcome is likely to be cyclical as popular schools record applications matching places this year, what is revealed is the extent to which the various elements of the admissions policies channel local children to local *community* schools. Evidence of that comes from our interview where it was reported that the Schools Decisions Committee had approximately 300 applications for alternative schools to review last year. Of these it was able to meet the first preferences of about half the applicants. The rest went to appeal. The picture at voluntary schools is less clear and will be the subject of our next phase of research which is school-based.

Brent: co-ordinating a complex system

Brent has something of a north-south divide: the north is generally London suburban, while the south east corner is inner urban. It has a complex social mix that our respondent described in these terms:

> Brent is either the most ethnically diverse Borough in Europe or the second most ethnically diverse Borough in London. It is also one of the most deprived or seventh most deprived or something like that and the thirteenth/twentieth most deprived borough in the country. Most people would argue that there is a sort of a north/south divide in the borough. You have some sort of relatively inner city areas, you know, Harlsden and Kilburn, certainly South Kilburn and places like that in the south of the borough. And then you have got Kenton and Kingsbury, Queensbury, sort of fairly affluent suburbs in the north but at the same time there are areas of affluence in the south as well.... You have got schools that are in an affluent ward but right on their doorstep are estates where you know a lot of refugees and asylum seekers are housed, so I think there is great mixture in most school catchment areas. (Brent LEA inteview).

There are 13 secondary school in Brent of which only two are community schools. Conservative-controlled in the post-1988 period, secondary schools were actively encouraged to become grant-maintained. Of the remaining secondary schools, eight are foundation and three are voluntary schools. In all, there are 12 secondary admissions authorities. Parents apply directly to the schools for admission. The LEA acts as little more than a clearing house for students without a school place in the summer prior to transfer to secondary education. The LEA's Ofsted Report (Ofsted, 1999) notes that the 'LEA manages the supply of school places effectively' and that 'Admissions arrangements are complex but they are well handled.' (p.14).

Since 1989 the level of poverty as measured by eligibility for FSM has risen dramatically in Brent. In 1993, just over 25% of children were deemed eligible for FSM but that rose to a peak of over 27 % in 1995 and fell to 25.5 % in 1999. Our figures, however, suggest that since 1989 Brent falls into the category of LEAs that were desegregating, or, in other words, there is a more even spread of children

entitled across the borough's secondary schools (see figure 1 and figure 3). In 1989, just under one third of all students on FSM would need to be redistributed across the secondary sector from each school to have an equal share. That is, there were concentrations of children eligible for FSM in some schools and much lower proportions on others. By 1999 however about 16% of students on FSM would have to change schools for there to be an equal share amongst schools. Three narratives provide an account of the desegregating trend. The first relates to grant-maintained (GM) schools in the LEA, the second concerns admissions to the two remaining LEA controlled community schools and the third is the persistence of the north-south divide.

a) Grant-maintained schools

Brent LEA has maintained a long-standing amicable and working relationship with GM schools in its administrative boundaries. Even under Labour control, when only a minority of its schools had opted out, the then Chief Education Officer invited GM headteachers to his briefing meetings along with other LEA heads (Fitz, Halpin and Power 1993). In subsequent years, Conservative administrations proactively encouraged secondary schools to seek GM status. Schools, such as Preston Manor, Kingsbury, and Claremont, all in the north, which sought and obtained GM status maintained their popularity and the character of their intakes. They typically have about half the share of children on FSM that they would have under 'ideal' conditions where those children were distributed equally. That pattern has remained stable over the last 10 years. Other schools appear to have changed their intakes dramatically once they became GM.

Two schools, Copland (formerly GM, now Copland Community and Technology School) and Cardinal Hinsley RC High School for Boys, had large proportions of FSM students in their populations in 1989. These fell dramatically in the period 1989-1993, although they still retained more socially disadvantaged children in their intake than the northern schools. These changes could account for much of the desegregation we see in Brent. Although Copland now has increasing numbers of FSM it and other schools seem to have employed their admissions policies to change the character of their recruits.

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Copland now selects students on the basis of a standardized national test, from which students are banded and ranked within each band. Fifty five places are then offered to Band A (high performing) students, one hundred and ten places to the middle Band B and a further fifty five paces go to Band C applicants. Copland has an idiosyncratic admissions policy in that it has consistently recruited 20 students above its standard number. The LEA reports that this strategy is permissible within existing legislation. Two other schools, Queens Park and Cardinal Hinsley have a similar trajectory to Copland. These schools give priority to applicants who have siblings already in the school, and as these schools have been repositioned in the market it is likely that their catchment areas have also reduced in size.

b) LEA community schools

Two community schools, Wembley High School and Willesden High School may well have paid a price in terms of their market location by remaining LEA community schools. Since 1989, the proportion of FSM children in these schools has steadily increased. They began the period of this study with less than their share of FSM, have steadily desegregated but they have now moved in to a situation where these schools have slightly more than their share of socially disadvantaged students. Willesden is also in 'special measures'. A similar trajectory also applies to John Kelly Boys Technology School, and, to a lesser extent, John Kelly Girls Technology School. Without further research we cannot account for these trajectories with any precision but they do contribute, from the opposite direction to the desegregation observed in Brent.

The John Kelly Schools, Willesden and Wembley High Schools generally have unfilled places in the summer of each year. LEA officials inform unsuccessful applicants from oversubscribed schools to apply to them. In a total population of 33,000 applicants, however, the LEA reports that about 600 families are looking for places just prior to the new school year. In that sense, the system 'clears' relatively well given the number of admissions authorities and the diversity of admissions criteria that apply across the borough. However, the LEA admissions criteria that apply to community schools are likely to contribute to the increasing proportion of children in poverty that are entering those schools. At Wembley and at Willesden, for example, the first admissions criterion is, 'Children looked after by the local

authority' (Brent Education Services, 2000). While this certainly guarantees admission for children who conventionally might be thought difficult to place, it is also the case that this criterion can be read as in terms of creating and maintaining 'sink' schools.

The north-south divide is evident in the percentages of 5 GCSE grades A*-C achieved by secondary schools. Preston Manor, Kingsbury, Claremont and St Gregory's Boys Schools achieved 56%, 54%, 54% and 57% respectively. These figures are well below the private, faith based Al-Sadiq and AL Zahara Schools (91%), the Islamia Girl's School (86%) and the Swaminarayan School (88%), although these also feature low numbers of examinees. Willesden achieved 13% A*-C grades, and other schools in the southern group in the range of 30-40%.

It is the schools in the north which are heavily oversubscribed and which attract numbers of applicants from other LEAs such as Harrow, Barnet, and Ealing. This is not surprising given their location close to LEA borders in the north. Our interview data suggests that Preston Manor, Kingsbury and Claremont generate about 50-100 appeals each per year, most of which are unsuccessful, and that they compete with each other in a local market. Preston Manor and Kingsbury also select about 15% of their students and in the past have been known to hold their entrance examinations on different Saturdays so ensuring that students face serial testing and that some finish up holding multiple places. The LEA has tried to encourage more standardization in the admissions procedures but admits it has little power to force compliance.

Brent is an example of an LEA that has few powers to 'smooth' any segregation that arises within the borough because nearly all of its schools act as their own admissions authorities. It has a role in advising parents where there are places available for children in the summer prior to entry. It also assists in the composition of appeals panels and via the admissions forum has made some headway in standardizing admissions practices. Certainly the schools have successfully been encouraged to report to the LEA which students have been offered places where, and the LEA monitors the match between students and places. In these circumstances, the notion of the catchment area, unlike Cardiff, doesn't mean very much.

In its statutory duty to provide parents with information about schools in the LEA and about their admissions policy, the principle of transparency works towards framing 'choice'. In the admissions brochure, *Finding a Place for Your Child in the Year 2000* (Brent Education Services, 2000), for example, all maintained secondary schools are listed. Under each school there is also information about the number of appeals for admission and the number that were successful. From this parents can determine the over- and under-subscribed schools, and where application, therefore, carries high and low risk.

While the north-south divide between schools measured on a number of dimensions has remained stable some schools have experienced considerable increases in the number of children on FSM in their students populations, while others, most notably GM schools, can be seen to have falling proportions of FSM. The overall pattern is one of reducing segregation. Nevertheless, it is the case that some schools may now have 40-50 % of their children eligible for FSM and others half that, and falling.

Carmarthenshire: locality and language

Carmarthenshire is one of the new unitary authorities in Wales and was formed from the unification of Carmarthen and part of the former Dyfed authority. The imprint of Dyfed is to be found in the large number of small primary schools that are now a feature of Carmarthenshire. Thus far, it has followed the old Dyfed policy that regarded any primary school with 16 students or more as viable.

The LEA bifurcates between the north and west, which is predominantly rural in character and contains small, predominantly Welsh speaking primary schools, and the south and east. This is composed of Carmarthen, Llanelli and an area to the north of it, the Ammanford Valley. It is a former industrialised area, and is generally more urban and contains more socio-economically disadvantaged communities. Our interview was conducted at a time of turmoil. A local authority CEO had been appointed but there was no Director of Education. The previous director had applied for his job but had not been appointed, while the preferred candidate had no Welsh and so his appointed had not been confirmed.

There are 139 primary and 15 LEA secondary schools, and of the secondary schools, none are GM and there is one voluntary Roman Catholic school. Three of the secondary schools are Welsh medium schools, in which Welsh is the medium of instruction throughout the school. There are also three bilingual secondary schools that offer instruction in the medium of Welsh and English. In practice the predominant language is Welsh but maths science and technology subjects are often taught in English. Across the county about 17% of students are entitled to FSM and this figure has been fairly stable over the last decade. And, in terms of the distribution of these students between schools, the segregation measures for the LEA and the schools remain relatively unchanged over the period that data is available (figure 1 and figure 4). In the secondary sector the system has about 8% surplus places. In the primary sector, however, 27% of the available places at its schools remain unfilled. This is in part a legacy of Dyfed's commitment to the retention of small schools. It is also the case that about 20 schools account for nearly half of the surplus places.

Language policy is also derived from the old Dyfed authority. In the primary sector there are Category A schools where Welsh is **the** medium of instruction in the infant departments opening into bi-lingual junior departments. In Category B schools Welsh is **a** medium of instruction throughout the school. Category A schools predominate in the north and west while Category B dominate in urban areas in the south and east. This policy is continued in secondary schools.

Carmarthenshire operates a catchment area system. Catchment area boundaries are determined by the catchment areas of feeder primary school, and it is residence within these and not the primary school attended that determines LEA allocation. Where there is a Welsh medium school in the locality parents are offered a choice of Welsh or English medium education. Year 6 parents are informed what their designated school is but in the same letter they are also invited to express a preference for other schools, but must give reasons for choosing a school other than that designated by the LEA. The number of parents seeking an alternative school is relatively small, about 200, and their preferences can be met. In 1998, for example, there were only 6 appeals (arising from 2000 students transferring to secondary school) and three of these failed.

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This may be evidence of 'local schools for local children' working its way through in response to the LEA's catchment area policy. There are also other factors to be considered. First, it would appear that no school or group of schools is overwhelmingly more popular than any other. Second, there is a relatively flat profile of school performance amongst English medium schools as measured by proportions of students attaining 5 GCSEs grades A*-C. Ammanford Valley Comprehensive achieved 40% GCSEs while the highest scoring English medium school achieved 58%. The highest scores were in the Welsh medium schools: where Ysgol Gyfun Dyffrun Talf, Ysgol Maes Yr Yrfa and Ysgol Gyfun Pantycelyn achieved 75%, 69% and 63% respectively. As elsewhere in Wales, the differences in examination performance between English and Welsh medium schools reflect differences in their socio-economic composition (Gorard 2000). This suggests overlapping arenas of choice within which non-FSM families remain in the Welsh medium sector longer than FSM families. Again that pattern is visible in SE Wales and likewise is longstanding. Third, that families in the main can, and do, enter their local (language) school is assumed to some degree in the admissions brochure, which, unlike Cardiff and Brent, gives no information about applicants or appeals per school. There seems to be no need because over-subscription isn't a problem.

Hertfordshire: equalising access

Hertfordshire maintains 77 secondary schools and 17 middle deemed secondary schools. Its administrative area is composed of a number of medium sized towns and a large number of villages. The south is best regarded as an extension of the greater London conurbation while the north is much more rural. Unemployment is low and this is reflected in the proportion of secondary school students on free school meals, about 7%, less than half the national average. Just over 7% of students are of ethnic minority origin and the proportion of children with SEN statements is 3.7%, which is in line with the national average. Between 10 and 15 percent of the student population enters fee-paying schools. Recent downturn in the fortunes of the aerospace and associated manufacturing industries has resulted in some of the students returning to the state sector and to a slight rise in the number of students eligible for free school meals. Those trends may well account for the decline in the pattern of school

segregation over the last few years. Overall, the school segregation is high (see figure 1 and figure 5 to 8). About 30% of students would have to change places for schools to have an equal share of FSM students.

In the case of community schools, families in Hertfordshire are required to complete the Secondary Transfer Form (STF) and name three preferred schools. Published admissions criteria for all schools give parents a clear indication of which schools they are most likely to gain admission. These arrangements, put into place in 1999 replace earlier allocation procedures in which parents could express a preference of an alternative by letter. *Moving On*, the LEA admission brochure (Hertfordshire, 2000) provides parents with considerable information about the number of applicants to all secondary schools, postcode data of successful applicants to schools, vignettes of families choosing schools, and fairly straight forward advice on maximizing chances of obtaining a place at a preferred school. It explicitly advises them to list their local school amongst their preferences.

The current admissions rules, which apply to oversubscribed LEA community and voluntary schools, prioritise children with statements of special educational needs, children with medical or social reasons for attending a particular school, siblings in the school at the time of application, and geographical proximity, determined by the shortest designated a route. In the case of single sex schools, priority for secondary schools is determined by postcode and by what is called the 'traditional area', identified by proportions of families who have in the past selected that school as their first choice.

There are four administrative units in the county with local area education offices, but the sharpest contrast is between the North and the South Areas and the narrative of the LEA admissions arrangements can be told in its handling of admissions for these areas. The schools in the North Area are all LEA community schools, and LEA admissions rules apply. There are relatively few out-of-county applicants and over 90% of families obtain places in their preferred schools. The South Area is a different matter. According to our informant only about 80% of local children obtain places in local schools, many of which are foundation and voluntary schools, operating as their own admissions authorities, and some of which are academically selective.

Hertfordshire is distinctive in its proactive employment of the School Standards and Framework Act. This arose from the legacy of the former grant maintained schools and voluntary schools creating their own admissions policies, and recruiting out-of-county students. The result of this was that local families were unable to obtain secondary school places in local schools. Ofsted noted in its inspection report, for example, that in 1998 nearly 1000 children had not secured a place by February for the coming academic year. As a result of its new co-ordinated admissions arrangements this figure had fallen to just over 100 in the following year, and most of these were in the south (Ofsted, 2000). Under the new arrangements, foundation schools feed back to the LEA which applicants they have admitted to their schools and this then allows the LEA to inform parents of unsuccessful applicants of alternative places.

Hertfordshire has also vigorously challenged foundation and voluntary schools admissions' policies before the Schools Adjudicator. It has applied to the Adjudicator on 26 occasions to seek changes to the admissions policies of foundation schools. It succeeded in forcing them to add geographical proximity to their admissions criteria, and, in some selective schools, force those schools to admit fewer children by academic selection than had previously been the case. The LEA has employed two main arguments in these applications. First, it pointed out that that local children had been denied places in nearby schools. Second, it argued that selective schools have operated in ways inimical to the LEAs responsibilities to raise standards of attainment in its county schools.

As a result, applicants from other LEAs entering Hertfordshire schools has fallen from 18.3% in 1999 to 15.9% in 2000, a pattern that is geographically uneven. In the south of the county, for example, there has been a slight increase in the number of out-of-county applicants gaining places. In the North Area, applicants from other LEAs have declined from 14% to 12% over the same period. Countywide, about 92% of students achieved a place at their preferred schools. In the south, however, this figure falls to 83%. Generally, the county has managed to bring out-of-county applicants to foundation voluntary schools into line with the countywide figures, reducing the proportion from 17% to 15%. There are still schools which draw heavily

from other LEAs, most notably Dame Alice Owen, which still recruits 66% of its intake from out-of-county.

In combination, the county's publication of standard criteria, co-ordination of admissions across the county, and its vigorous pursuit of changes to the admissions policies of former grant maintained and voluntary schools, has brought about something resembling a 'local schools for local children' admissions policy in the majority of areas. That is still, perhaps, not the case in the south where academic selection still operates.

Discussion

We have begun to show that recent national education policy, be it the 1988 Education Reform Act or the 1998 Schools Standards and Framework Act, has not been evenly implemented across the LEAs of England and Wales. Despite the claims of previous research, school choice in Cardiff, Brent, Carmarthenshire and Hertfordshire, for example, is very different. A combination of organisational, structural and demographic factors have, on balance, muted many potential impacts of the reforms on school intakes.

Normative patterns of school use are similar today to 1989, and have not been substantially affected either by the market reforms or by the administrative actions of LEAs. Popular schools, those schools which have had many more applicants than there were places available, have remained popular over the last decade. These schools have generally had the largest catchment areas, the best examination performances and relatively small proportions of students entitled to free school meals. Likewise, the least popular schools, those with less students than the schools' standard numbers, relatively poor public examination performances, and relatively high proportions of children on free school meals, have not changed their character in the same period. There is little evidence to suggest that social class patterns of choosing, reported elsewhere (Gewirtz et al, 1995), have intensified or diminished since the introduction of market-driven policies.

However, the relationship between LEA admissions' policies and the creation and maintenance of socially stratified schools is complex and sometimes appears contradictory. From our case studies two related processes provide some insights into the continuing segregation between schools and the relatively muted effect of educational markets.

The first relates to actions of former GM schools (which have been reconstituted as foundation schools) and voluntary schools. One feature of the greater autonomy these schools enjoyed was their capacity to devise their own admissions arrangements. In the main these schools in our case studies have retained their strong performance in public examinations, and their previous relatively lower levels of FSM children. In their admissions policies they gave little priority to the geographical proximity of applicants to the schools. The effect, most marked in Hertfordshire, but also observable in Brent, has been to deny local children places in nearby schools. Where foundation schools were also selective, that situation was exacerbated. Much the same applies in cases where foundation schools' admissions policies prioritise applicants with siblings at the school, siblings of former students, and/or children of members of staff. In oversubscribed, popular schools, these measures maintain middle-class entry to the schools.

Second, LEAs, via their admissions policies, can create and sustain a pattern of geographically segregated schools. Cardiff is a good example of this. 'Selection by mortgage' operates in circumstances where school catchment areas correspond with residential segregation. In other words, the housing market excludes financially disadvantaged families from areas that would enable them to enter popular schools. On the other hand, LEAs also manage their admissions policies in order to equalise the distribution of students – and therefore resources – across their schools. They can, and do, moderate the effects of more open enrolment through a variety of catchment area policies. Changes in Cardiff's catchment areas can be interpreted in this light.

It is also the case that LEA administrative action and admissions policies can contribute substantially to the creation of 'sink' schools. The changing composition of community schools in Brent and in Hertfordshire, schools which chose not to seek grant-maintained status have been used as schools in which to put difficult-to-place

children. In Cardiff, sink schools have been created and maintained by its catchment area policies which effectively reproduce, year on year highly socially stratified schools across the city.

Problems have been caused by the action of foundation schools in two of our case study LEAs. Foundation and voluntary schools' admissions policies have led to local children failing to find secondary school places in their own LEA. Brent and Hertfordshire have employed the School Standards and Framework Act to co-ordinate admissions policies across the respective LEAs. In Hertfordshire's case it used the School Adjudicator to force foundation and voluntary schools to address the issue of providing places for local children. In this case some reduction in segregation between schools is likely follow, especially in the south of the county. The important point to note here is that legislation has restored the capacity of LEAs to address the worse excesses of the educational markets by seeking changes to in the admissions policies of self-governing schools and thus making school places available to local families.

Our Carmarthenshire study investigated a situation not frequently reported in the school choice/markets literature, namely LEAs which have an excess of places, where every family can achieve their first choice and where the basis of choice is generally the preferred language of instruction. Effectively, there is no competition for students and therefore no market in any conventional sense. Choice here is primarily about creating or confirming an identity through the membership of language communities. Welsh medium schools in this LEA, as in other parts of Wales, recruit fewer socio-economic disadvantaged students. However, the differences between the social compositions of the schools is much less extreme than in Cardiff. Moreover, schools show convergence in terms of their relative socio-economic composition.

There are methodological issues about the appropriateness of the LEA as the unit of analysis in the consideration of markets and the social stratification schools. It could be argued that, because schools compete with other schools, both within and also outside their LEA boundaries, the LEA based segregation index will not reflect the true effects of competition between schools in local geographical markets. Two points can made here.

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The first point is empirical. In the great majority of LEA's, for the great majority of families, the LEA is the arena of choice. That is clear from our case studies and also from the other 19 LEAs in which we interviewed. The number of cross-border applicants is greatest in London and the southeast, but these patterns cannot be projected onto the rest of the LEAs in England and Wales. In our southeast England case study LEAs, Hertfordshire and Brent, there are some areas where 50% of applicants are out-of-county. For sure, some schools in some LEAs have very low numbers of local LEA children in their intake; 36% at Dame Alice Owen, 9% in Lady Margaret in Hammersmith and Fulham – and no doubt there are other spectacular examples. According to our interviewees however, these patterns are long-standing, pre-dating the 1988 legislation. Our own secondary data analysis confirms that view.

Second, it is possible to define a 'market' in simple geographical terms by drawing a line around the set of schools who report being in competition with each other for students, or define it via parents reporting the schools that they had considered in the process of selecting a secondary school. These procedures can also be inadequate to the task of defining the 'markets' for the purposes of studying their stratifying effects. For wherever the boundary defining a 'local' geographical market is drawn, some schools will also be occupants of other markets outside the notional boundary. In our view, whichever geographical entity is selected, it will be inadequate. They will not capture all the schools supposedly de/segregating from each other or not, because all such schools are also members of another arena of choice and, therefore, may be changing their social composition in relationship to other schools.

For these reasons, whatever imperfections exist in the employment of LEAs as a unit of analysis, notions of 'local' markets are at least as flawed, and probably more so, given the points we have made above. (For a greater discussion on the use of LEAs as a unit of analysis in measuring the impact of the market on schools see Taylor et al 2001)

Conclusions

LEAs remain important arenas within which school choice operates because they define kinds of choice available to parents in, and adjacent to, their administrative boundaries. They do so in two ways. First, their past and present policies define the diversity of secondary schools available to parents. In some LEAs academically selective schools are a central feature of provision, in others the majority of schools have foundation status and therefore lie outside the direct control of the LEA while others have predominantly comprehensive community schools. To some degree the particular mix has historically determined whether middle class parents stay in the state system or exit for fee-paying selective education and/or whether these parents seek out schools in alternative LEAs. The case studies in this research give some indication of the range of choice available to parents and they also show how this varies between LEAs.

Second, LEA admissions policies have the capacity to constrain parental choice and to channel families towards particular schools or particular kinds of schools. The influence they exert, however, is related to the number of schools in their administrative boundaries that achieved GM or had voluntary status. In narrative terms, LEAs lost a considerable amount of the control they were previously able to exercise in this area after the 1988 Education, most notably in the areas where secondary schools opted out of LEA control. They have regained some of their former influence on admissions under the School Standards and Framework Act. What LEAs with GM schools in the boundaries lost under the 1988 Act was the power to change or transform the social composition of individual schools and the social composition of schools relative to each other. Brent and Hertfordshire are examples of this policy in practice. Unable to challenge, effectively, admissions policies of former GM schools and voluntary schools, the consequence in these authorities has been the preservation of normative patterns of school choice, the retention of socially stratified secondary education that existed in 1989. With a few notable exceptions in Brent, individual schools have also maintained and reproduced their 1989 characteristics.

Other LEAs, such as Cardiff, have adopted polices, based on catchment areas, and, complemented by the advice they offered to parents, that have also preserved earlier

forms of stratified secondary schools. In one sense they have prevented any market free for all and the admissions mobility that was predicted to accompany it. Mobility for working class families in Cardiff was possible via Welsh medium education and through the small number of Church in Wales secondary schools. Overall though, we see no significant changes in the social composition of schools in Cardiff.

The School Standards and Framework Act has restored some powers to LEAs which enables them to co-ordinate admissions across all the admissions authorities within each LEA boundary. Hertfordshire have shown how new powers can be used proactively to force foundation and voluntary schools to consider the needs of local families. LEAs remain constrained in the extent to which this policy can be used to reduce segregation between secondary schools in situations where a large number of these schools also act as their own admissions authorities. But they can, and have, reversed situations where self-governing schools have sustained segregation by out-of-county recruitment.

In policy terms, the School Standards and Framework Act has enabled LEAs to bring some order to the process of secondary schools transfer and admissions. Nevertheless, statements by William Hague, and reported claims by the former Chief Inspector of Schools, Chris Woodhead, about setting schools free from LEA control suggest, for the Conservatives at least, that little has been learned about the extent to which self-governing schools in charge of their own admissions can work against the grain of local communities. By the same token, LEAs might consider how their admissions policies might promote a better social mix in their community schools.

Notes

[1] Analysis of the socio-economic segregation between school intakes is based on two measures, the *segregation index* and the *segregation ratio*. These measures have been used throughout the study and are discussed in more depth elsewhere, for example Gorard and Taylor, 2000; Taylor, Gorard and Fitz, 2000)

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Figure 1: Segregation Index for case study LEAs

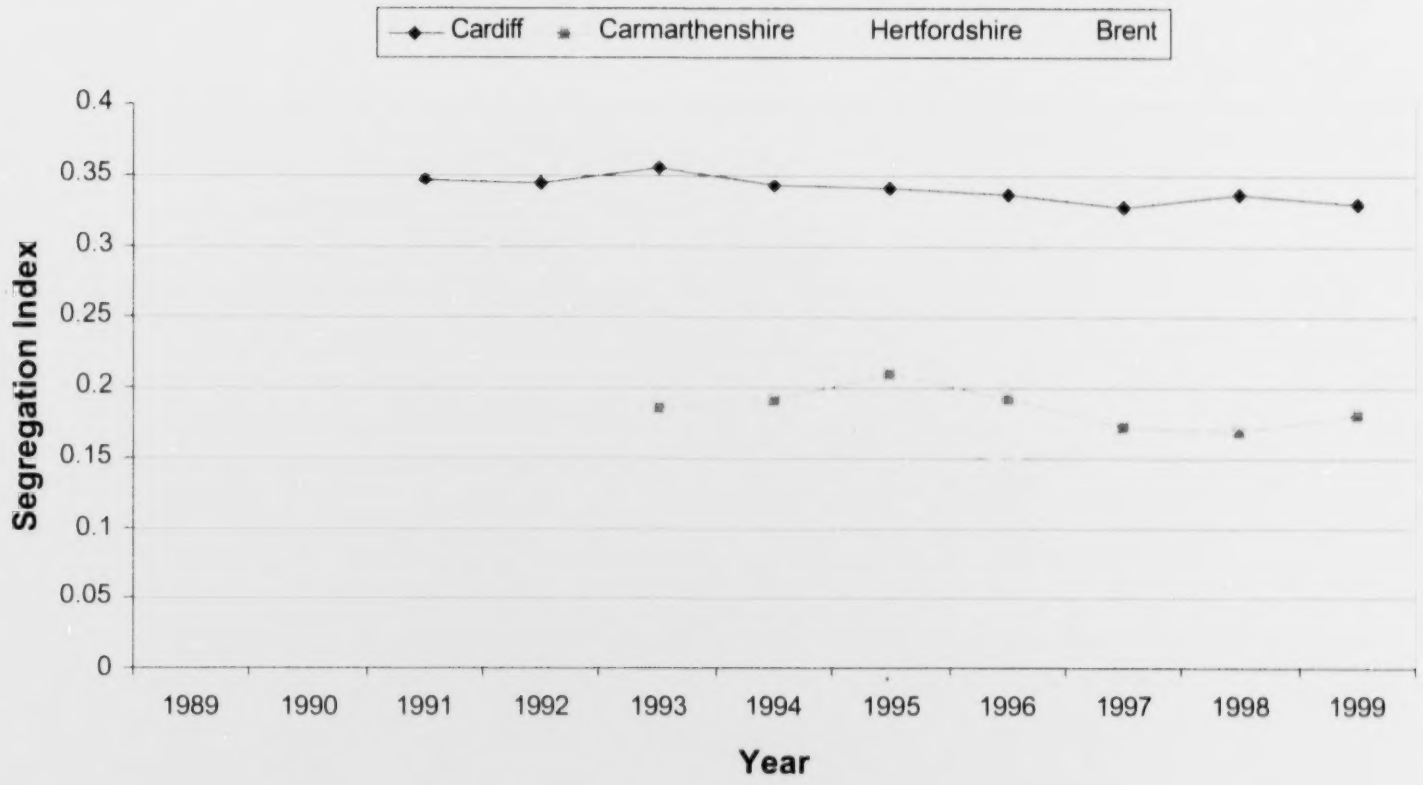


Figure 2: Segregation Ratios for secondary schools in Cardiff

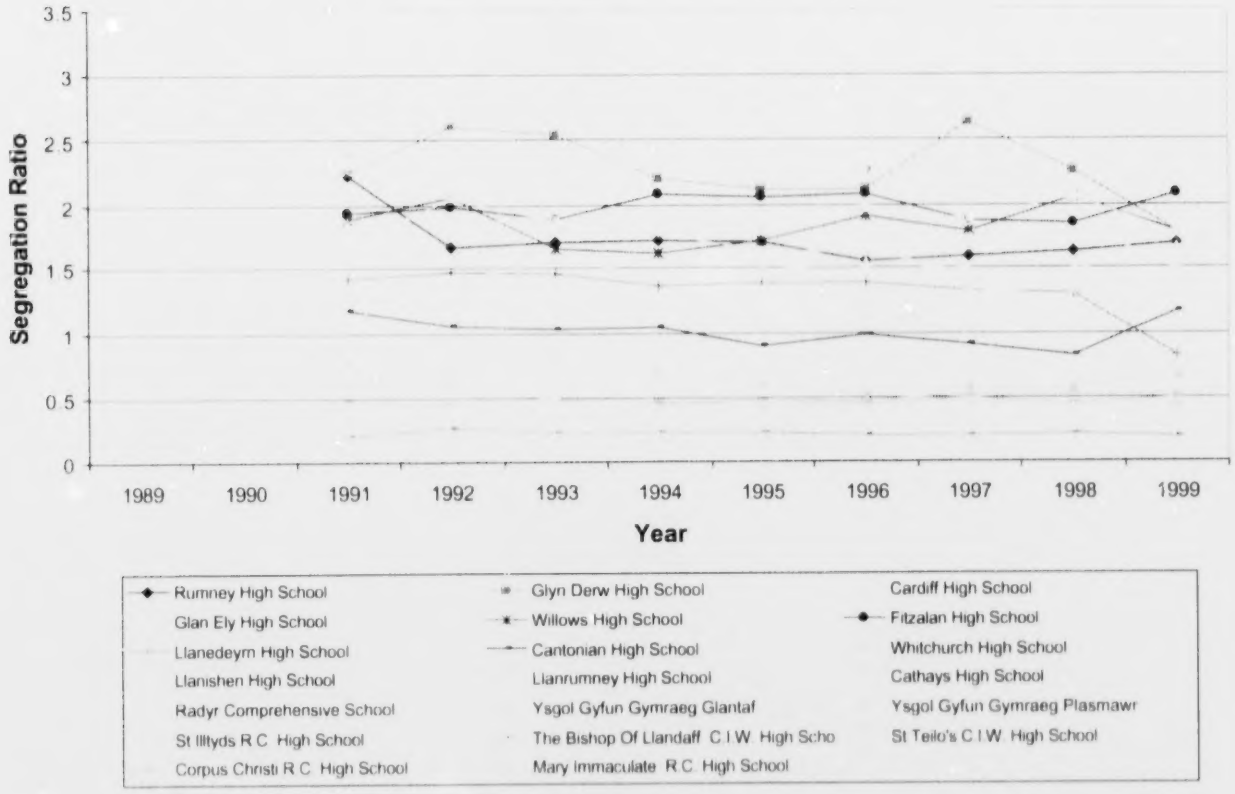


Figure 3: Segregation Ratios for secondary schools in Brent

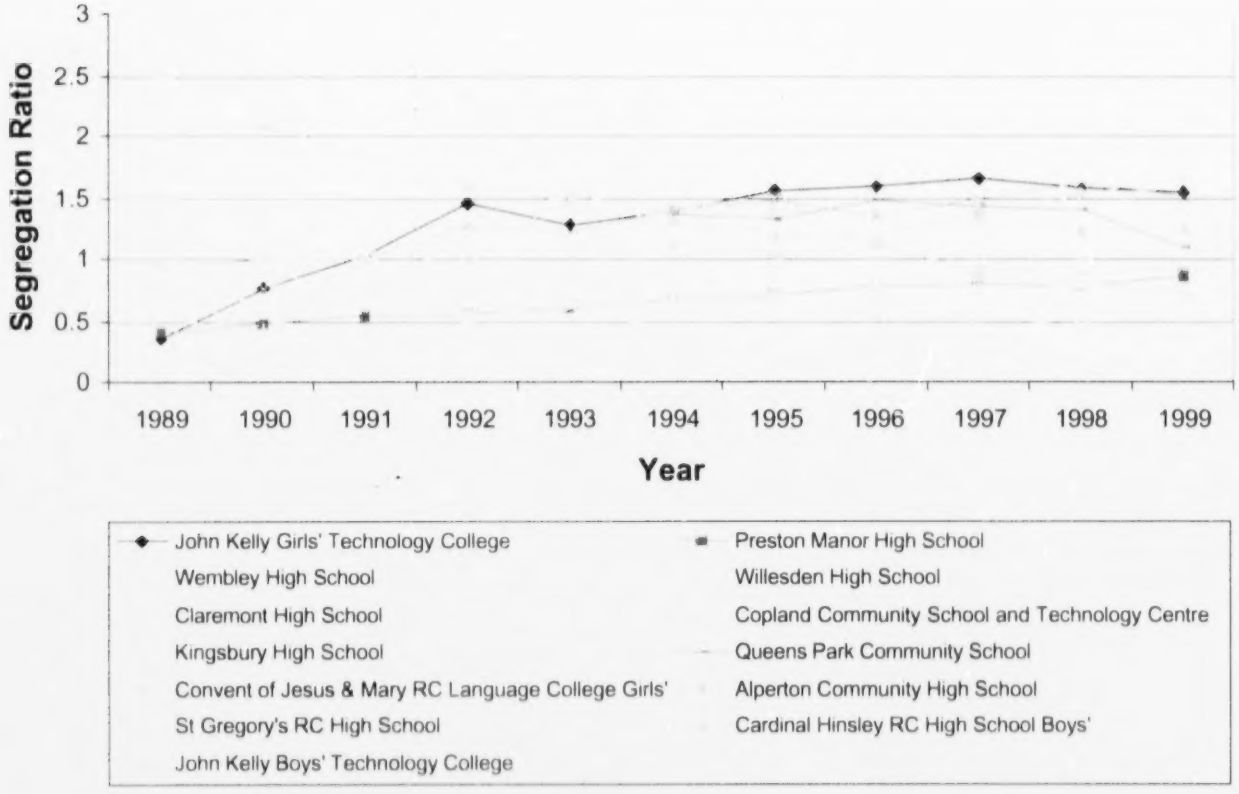


Figure 4: Segregation Ratios for secondary schools in Carmarthenshire

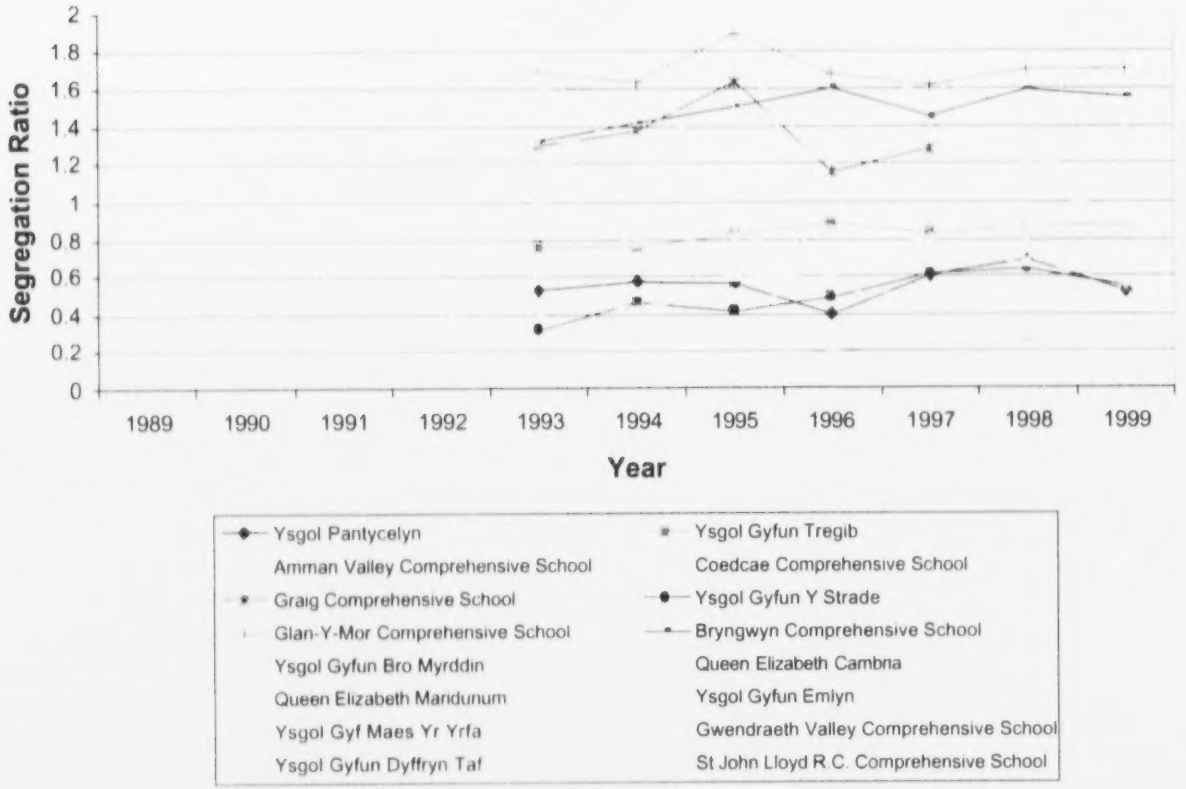


Figure 5: Segregation Ratios for secondary schools in Hertfordshire, North Area

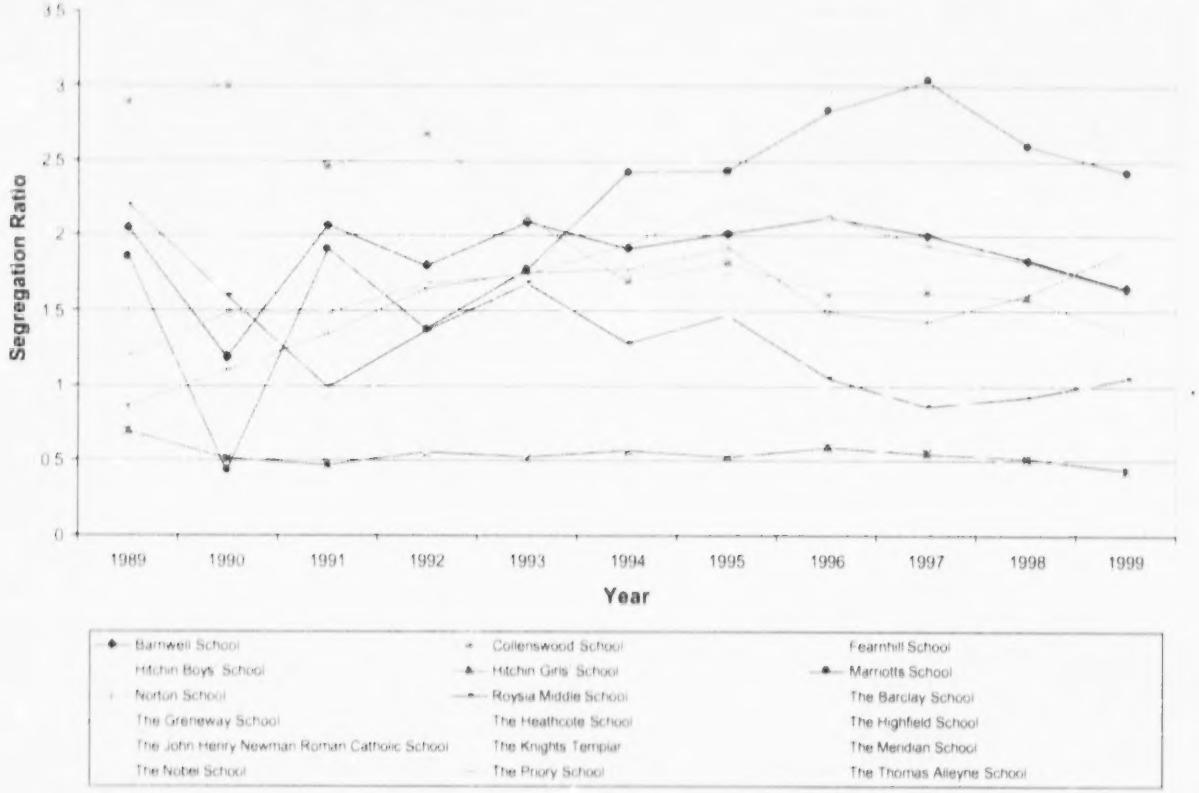


Figure 6: Segregation Ratios for secondary schools in Hertfordshire, East Area

Figure7: Segregation Ratios for secondary schools in Hertfordshire, South Area

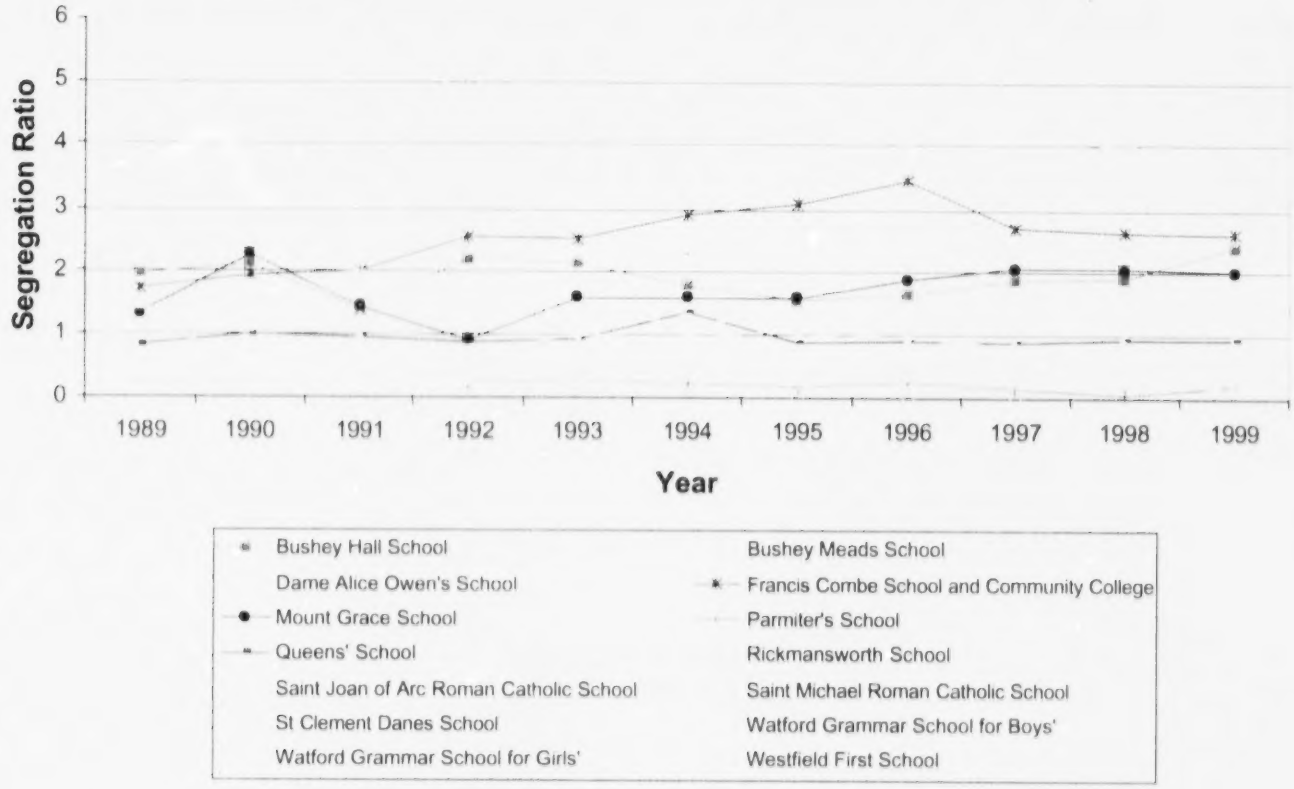
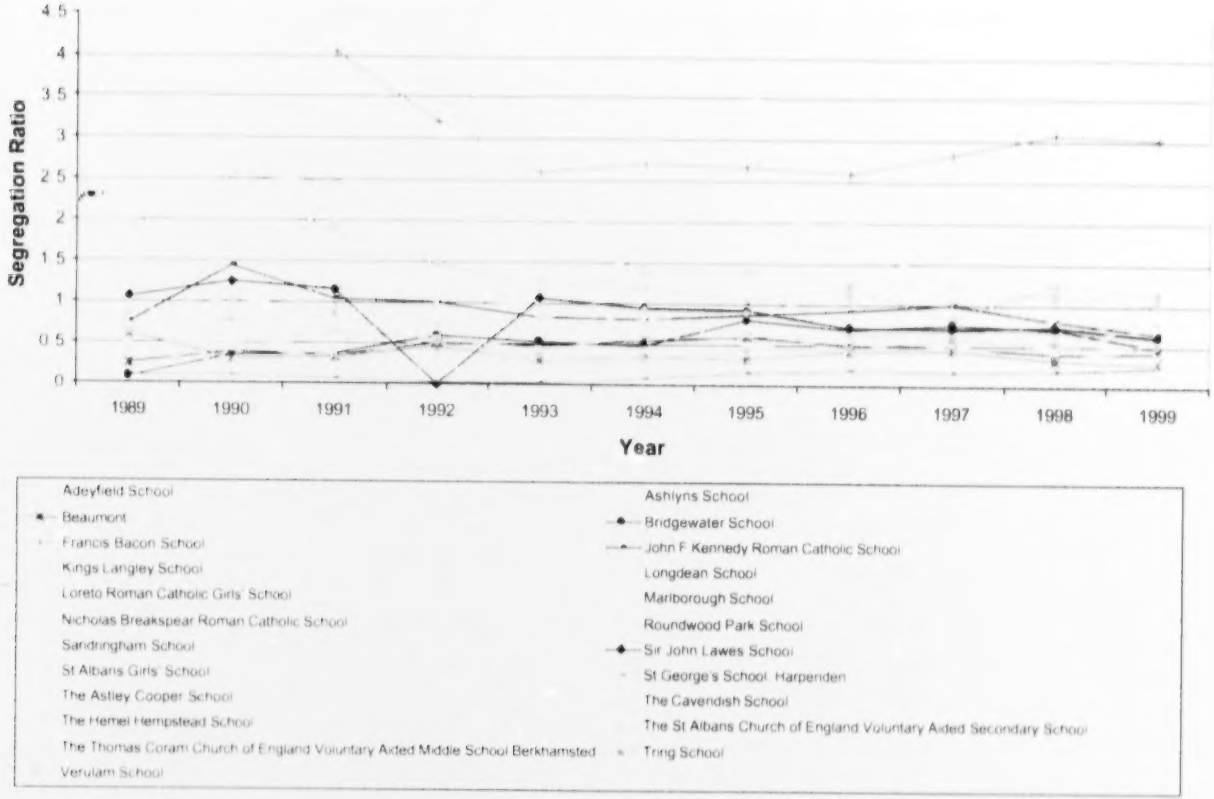


Figure 8: Segregation Ratios for secondary schools in Hertfordshire, West Area



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